

GAHC010151292024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2228/2024

BIBEKANANDA TAID
S/O LT. UMADHAR TAID, R/O H. NO. 2, DEHAL ROAD, NALAPARA,
GUWAHATI-781040, P.S.-BASISTHA, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : R DAS, MR. M R SODIAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

07.08.2024

Heard Mr R Das, learned counsel for the petitioner, Bibekananda Taid, who has filed this application under Section 483 of the BNSS, 2023, as he is behind bars since 29.05.2024, in connection with Dispur PS Case No. 1042/2023, under Sections 120(B)/419/465/468/471 of the Indian Penal Code, 1860.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the respondent/State.

3. It is submitted on behalf of the petitioner that his name has not been mentioned in the FIR.
4. An allegation of using the official seal and pad of the Minister of Revenue and Disaster Management, HAD, M & M Department, Assam, has been made against the petitioner.
4. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner and has raised serious objection against the bail prayer.
5. I have scrutinized the Case Diary.
6. Indeed, there are incriminating materials in the Case Diary against the petitioner.
7. I have considered the submission that the petitioner has been behind bars for 71 days.
8. I have also considered the submission that the petitioner is willing to cooperate with the remaining part of investigation and to abide by any stringent bail conditions, if imposed upon him.
9. It is submitted that the petitioner is a local resident and he is not a flight risk.
10. The Case Diary also reveals that the investigation has progressed to a considerable extent.
11. It appears that the petitioner is also willing to face the trial if charge sheet is laid

against him.

12. It appears that further custodial detention of the petitioner may not be required. The petitioner is henceforth enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup (Metro), under the conditions that-

- i) the petitioner shall refrain from such activities with which he is alleged,
- ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission, and
- iii) the petitioner shall not tamper with the evidence.

On breach of any of the bail conditions, this bail order shall automatically stand cancelled.

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant